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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DONNA M. MENIEFIELD, et al.,) Case No. CV 01-09806-DDP(PJWx)
Plaintiffs,)
v.) [Ex Parte Petition filed on June
MORENO VALLEY CITY, et al.,) 30, 2009]
Defendants.) **ORDER DENYING EX PARTE PETITION
FOR WITHDRAWAL OF FUNDS FROM
MINOR'S ACCOUNT AND TO RELEASE
BLOCKED ACCOUNT**

Petitioner Shannon Nolley, as parent and Guardian ad Litem of Dante Meniefield, Jr. ("Minor"), has filed an Ex Parte Petition for Withdrawal of Funds from Minor's Account and to Release Blocked Account.

The blocked account at issue was established as a result of a compromise and settlement of Minor's claim on July 16, 2003. (Order Granting Pet. for Compromise of Disputed Claim of Minor, Docket No. 43.) The court-approved settlement provided that "the net settlement, \$596,417.07, shall be deposited in an annuity in Dante Meniefield, Jr.'s name, to be funded by Allstate Life Insurance Company, Metropolitan Life Insurance Company, and American General Life Insurance Company, in accordance with the

1 terms and payment schedule" attached to and incorporated in the
2 Order as Exhibit A. (Id. 2:12-17.) The payment schedule provided
3 that Allstate Life Insurance Company would make monthly payments of
4 \$700.00 for sixteen years, terminating just before Minor reaches
5 the age of majority. (Id., Exh. A.) Petitioner now asserts that
6 "[t]hrough mistake and inadvertence, the \$700.00 per month was
7 placed in a blocked account by my previous attorneys," and that, in
8 fact, the account "was intended by the parties to be used for the
9 minor's child support." (Ex Parte Pet. 2:21-25.)

10 The Court finds nothing in the court-approved settlement
11 suggesting that the monthly payments from the Allstate Life
12 Insurance Company annuity were intended to be a form of "child
13 support" accessible to Petitioner. Furthermore, while the Ex Parte
14 Petition is styled as a petition seeking withdrawal of funds from
15 the account, it actually asks the Court to remove the block on the
16 account and grant Petitioner access to the accrued funds, which now
17 amount to more than \$39,000. The Court therefore finds that good
18 cause for removal of the block on the account has not been shown.

19 Accordingly, the Ex Parte Petition is DENIED.

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21 IT IS SO ORDERED.

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23 Dated: August 28, 2009


DEAN D. PREGERSON

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25 United States District Judge
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